

1
2
3
4
5
6
7
8 UNITED STATES DISTRICT COURT
9 WESTERN DISTRICT OF WASHINGTON
10 AT TACOMA

11 LONNIE RAY CARTER,

12 Plaintiff,

13 v.

14 ASHLEY A. ZUBER, *et al.*,

15 Defendants.

16 CASE NO. 3:20-cv-05166-RJB-JRC

17 ORDER DIRECTING
18 SUBMISSION OF SERVICE
19 INFORMATION FOR UNSERVED
20 DEFENDANT

21 This civil rights matter has been referred to the undersigned Magistrate Judge pursuant to
22 28 U.S.C. § 636 (b)(1)(A) and (B) and Local Magistrate Judge Rules MJR 1, MJR 3, and MJR 4.

23 See Am. Gen. Order No. 02-19.

24 Plaintiff, proceeding *pro se* and *in forma pauperis* (“IFP”), initiated this matter on
February 24, 2020. See Dkt. 1. On January 25, 2021, the Court directed service of plaintiff’s
complaint only as to his claims under the Eighth Amendment. See Dkt. 26; see also Dkts. 22, 25
(dismissing all other claims against defendants). Defendant Zuber has entered an appearance and
filed a waiver of service through counsel. See Dkts. 28, 29. However, defendant “S. Roddey”

1 has made no appearance in this matter. Defendant Zuber's counsel has filed a notice stating that
2 the Department of Corrections has been unable to identify any employee named S. Roddey and
3 that no other individual by this name has been located or identified as a State of Washington
4 employee. *See* Dkt. 30. As a result, defendant Roddey has not been served in this matter and is
5 not subject to the Court's jurisdiction.

6 Although the Court has directed service of the summons and complaint, plaintiff still
7 bears the burden of providing accurate and sufficient information to effect service. *See Walker v.*
8 *Sumner*, 14 F.3d 1415, 1422 (9th Cir. 1994), *overruled on other grounds by Sandin v. Conner*,
9 515 U.S. 472 (1995); *see also* Fed. R. Civ. P. 4. When an IFP plaintiff fails to provide the Court
10 with accurate and sufficient information to effect service of the summons and complaint, it is
11 appropriate for the Court to *sua sponte* dismiss the unserved defendant. *See Walker*, 14 F.3d at
12 1421–22.

13 Accordingly, plaintiff is directed to provide the complete name, address, and any other
14 identifying information for defendant Roddey so that the Court can effect service. This
15 information must be provided to the Court on or before **Friday, April 16, 2021**, or the Court
16 may recommend dismissal of defendant Roddey from this action without prejudice.

17 Dated this 17th day of March, 2021.

18
19
20

J. Richard Creatura
United States Magistrate Judge
21
22
23
24